

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

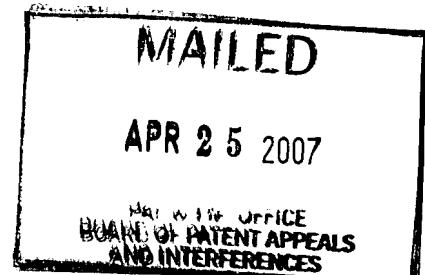
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Ex parte WOOGEUN RHEE,  
DANIEL FRIEDMAN,  
and MEHMET SOYUER

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Application No. 10/697,751

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on January 30, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On February 2, 2006, appellants filed an Appeal Brief under 37 CFR § 41.37. A review of the file reveals that the "Summary of Claimed Subject Matter," as required by 41.37(c)(1)(v), is not properly set forth. 37 CFR § 41.37(c)(1)(v) which states:

(v) ***Summary of claimed subject matter.*** A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

The independent claims must be mapped to the disclosure, including specification page and line number, and, if applicable, drawing reference characters.

Further review of the file reveals that “Evidence Appendix” and “Related proceedings appendix” are missing from the Appeal Brief according to § 41.37(c)(1)(ix) and (x) which states:

***Evidence appendix.*** An appendix containing copies of any evidence submitted pursuant to §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered in the record by the examiner. Reference to unentered evidence is not permitted in the brief. See § 41.33 for treatment of evidence submitted after appeal. This appendix may also include copies of the evidence relied upon by the examiner as to grounds of rejection to be reviewed on appeal.

**Related proceedings appendix.** An appendix containing copies of decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of this section . . . .

Accordingly, it is

**ORDERED** that the application is returned to the Examiner:

1) to hold the Appeal Brief of February 2, 2006 defective;

2) to notify applicants to file a substitute Appeal Brief in compliance with 37

CFR § 41.37;

3) for the examiner to consider the substitute Appeal Brief;

4) if necessary, vacate the examiner's answer mailed May 22, 2006, and issue a revised examiner's answer in accordance with the new rules effective September 13, 2004;

5) have a complete copy of the substitute Appeal Brief and any necessary subsequent Examiner's Answer scanned into the record; and

6) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: Patrick J. Nolan

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PJN/dal

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